



CERTIFIED MAIL RETURN RECEIPT REQUESTED

P 049 596 878

FIRST CLASS POSTAGE PREPAID

STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES

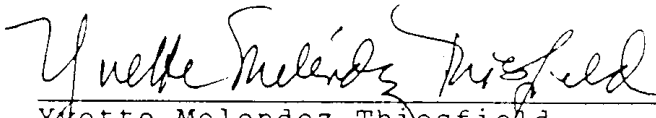
IN RE: William Cooper, SSI  
Petition # 890302

FINAL DECISION

In accordance with the provision of Conn. Gen. Statute 4-179, the attached Recommended Memorandum of Decision is hereby adopted as the final decision of the Department of Health Service in this matter.

Date

5/6/91

  
Yvette Melendez Thiesfield  
Deputy Commissioner  
Department of Health Services

cc: David Pavis, Chief, Public Health Hearing Office, Hand Deliver

IN RE:

PETITION NO. 890302-32-001

DEPARTMENT OF HEALTH SERVICES

VS.

MARCH 12, 1991

WILLIAM COOPER

MEMORANDUM OF RECOMMENDED DECISION

The undersigned was designated as hearing officer in the above-referenced matter by the Commissioner of the Department of Health Services. A Notice of Hearing dated January 23, 1991, was served on the Respondent by the Department assigning March 6, 1991, as the date for the hearing on the One Count Statement of Charges.

On that date, the Respondent appeared. Upon inquiry by the undersigned, it was determined that the Respondent was unable to obtain counsel to represent him for financial reasons. He nonetheless elected to proceed with the hearing. No request was made for a continuance.

The charges against the Respondent were straightforward. The State claimed that on or about December 8, 1988, and on prior occasions, the Respondent disposed septage, without benefit of a permit to do so, on property owned by a Stanley Smoron in Southington, Connecticut.

The Department called three witnesses to testify in support of its claims, and submitted various documentary evidence as well, including numerous photos. Reference by the Commissioner can be made to such records. It is unnecessary, however, in the opinion of the undersigned, to deal at great length with such evidence, as the Respondent freely admitted under oath the substantial veracity of the charges brought against him.

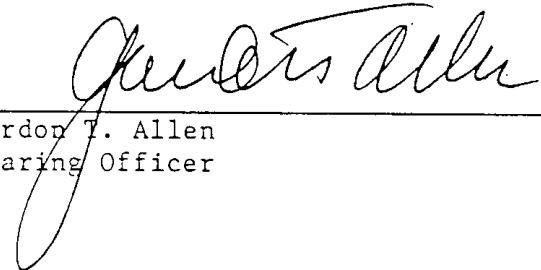
Therefore, as hearing officer, I conclude factually that the Respondent did indeed dispose of septage onto the claimed property on several occasions, and that he did so without any permit, as alleged in the Statement of Charges.

Mr. Cooper advanced several reasons for his actions. Foremost among them were economic ones, as apparently this disposal allowed him to take some jobs on short notice that he might not otherwise be able to. The Respondent testified credibly that he has had severe financial difficulties in supporting himself and his family. He further testified that he had a long-standing relationship with the owner of the property, Stanley Smoron, and had received permission from him to dump the septage.

These factors do not, of course, make this activity legal. However, the testimony of the State's witnesses was uniform in describing Mr. Cooper's behavior as being cooperative at all times. The State also represented that the Respondent has had no other complaints filed against him, and that the activity alleged in its Statement of Charges ceased on December 8, 1988. He was equally forthcoming at the hearing.

In view of these factors, and Mr. Cooper's age and reliance on his license as the sole source of his family income, I do not believe that either a revocation or suspension of his license as a subsurface sewage disposal system cleaner is warranted. I therefore recommend that a letter of censure or reprimand be forwarded to the Respondent and that a copy of such letter be made a part of a file for Mr. Cooper and retained by the Department of Health. In the unlikely event of any future disciplinary action against him, Mr. Cooper should be aware that the Department can take into account this breach of duty by him in assessing any future penalties that may be required. Mr. Cooper's acknowledgment of this should be construed by his acceptance of this recommended decision, and a statement to that effect should be included in any letter of reprimand or censure issued by the Department.

Respectfully submitted



---

Gordon T. Allen  
Hearing Officer

Dated at Rocky Hill this  
12 day of March, 1991.